

**TOWN OF BYRON BOARD MEETING**

**January 10, 2024**

The Byron Town Board Meeting was called to order by Supervisor Candace Hensel at the Byron Town Hall, 7028 Byron Holley Road, Byron, New York at 7:04 p.m. with the following present:

Supervisor.....Candace Hensel  
Councilpersons.....Martin Dilcher

Fred Klycek  
Jeff Thompson  
Nathan Knickerbocker

Highway Superintendent.....David Leaton

**Public:**

Ashley Mason	Steve Hohn	Margaret Cancelmo	Ron Cancelmo
Bill Stevens	Steve Lockner	Steve Doty	Vic DiGregorio
Robert Mruczek	Karen Jaczynski	Robert Palmer	Robert Wilson
Sara Stockwell	Lori Ivison	Theresa Schuler	Marilyn Weinert

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was led by Supervisor Hensel.

**MINUTES:** Minutes were reviewed and minor corrections made. Councilman Klycek moved to accept the minutes with the changes. Councilman Knickerbocker seconded the motion and the motion carried with the following vote:

Vote: Ayes: 5                      Nays: 0

**CONTINUATION OF ORGANIZATIONAL MEETING**

**SALARIES OF ELECTED AND APPOINTED PUBLIC OFFICIALS:**

The Town Board discussed the salaries of the elected and appointed public salaries are on attachment Pages A thru C - Refer to Attachments.

**RESOLUTION # 1:**

Councilman Klycek offered the following resolution and moved for its adoption:

Resolved, that the Byron Town Board appoint the appointees and fix the salaries of the Town of Byron Elected Officials, appointees and employees for the year 2024 at the amounts respectfully stated, and that the salaries shall be payable at the frequencies specified on Pages A thru C.

Councilman Knickerbocker seconded the resolution which was adopted by the following vote: Vote: Ayes: 5                      Nays: 0.

**RESOLUTION # 2:**

Councilman Thompson offered the following resolution and moved for its adoption:

Resolved, that the Byron Town Board authorize the Town of Byron Supervisor to invest town monies in any commercial NYS Bank. When funds are available investments may be made in collateralized Certificates of Deposit.

Councilman Klycek seconded the resolution which was adopted by the following vote:

Vote: Ayes: 5 Nays: 0

**RESOLUTION # 3:**

Councilman Knickerbocker offered the following resolution and moved for its adoption:

Resolved, that the Byron Town Board accept and continue the 3<sup>rd</sup> party custodial agreement with any commercial New York State Bank regarding funds on deposit in excess of \$ 100,000.

Councilman Dilcher seconded the resolution which was adopted by the following vote:

Vote: Ayes: 5 Nays: 0

**RESOLUTION # 4:**

Councilman Dilcher offered the following resolution and moved for its adoption:

Resolved, that the following have named these banks to be their depositories:

Supervisor and Deputy Supervisor.....	.....
Five Star Bank	
Tax Collector .....	Five Star
Bank Acting Town Justice Robert Mattice .....	
Tompkins Bank of Castile	Future Town Justice
.....	Tompkins Bank of Castile

Councilman Thompson seconded the resolution which was adopted by the following vote:

Vote: Ayes: 5 Nays: 0

**RESOLUTION # 5:**

Councilman Dilcher offered the following resolution and moved for its adoption:

Resolved, that the Byron Town Board approved the Official Undertaking/Crime Insurance Policy and for the Tax Collector and Deputy Tax Collector to be covered by the Town of Byron's Theft Insurance in the amount of \$650,000.00.

Further Be It Resolved, that the Town of Byron theft insurance cover the Supervisor and Deputy Supervisor for \$40,000.00, and all other employees for \$10,000.00.

Councilman Thompson seconded the resolution which was adopted by the following vote:

Vote: Ayes: 5 Nays: 0

**RESOLUTION # 6**

Councilman Supervisor Hensel offered the following resolution and moved for its adoption:

There will be a monthly meeting held on the 4<sup>th</sup> Wednesday of each month at 7:00 PM at the Byron Town Hall. This will be a 2<sup>nd</sup> monthly meeting and workshop. This meeting will be scheduled through April of this year and will be revisited then to evaluate its usefulness moving forward.

Councilman Thompson seconded the resolution which was adopted by the following vote:

Vote:           Ayes: 5                               Nays: 0

RESOLUTION # 7:

Councilman Dilcher offered the following resolution and moved for its adoption:

Resolved, that the vouchers with dates and destinations be submitted by employees for town business mileage. Mileage is to be paid at the stated IRS mileage rate for that time period (currently 67.0 cents per mile).

Councilman Thompson seconded the resolution which was adopted by the following vote:

Vote:                               Ayes: 5                               Nays: 0

RESOLUTION # 8:

Councilman Klycek offered the following resolution and moved for its adoption:

Resolved, that the 2023 Town of Byron Sewer Hook-up Fee be \$1,000.00 per unit.

Councilman Thompson seconded the resolution which was adopted by the following vote:

Vote:                               Ayes: 5                               Nays: 0

RESOLUTION # 9:

Councilman Thompson offered the following resolution and moved for its adoption:

Resolved, that the Byron Sewer District reimburse residents for electrical usage for pump stations where pumps are hooked into the residential electrical meters. Payments to be made at a rate of \$260.00 per a 12 month period, per unit based on the current National Grid Electric Rate.

Councilman Knickerbocker seconded the resolution which was adopted by the following vote:

Vote:                               Ayes: 5                               Nays: 0

RESOLUTION # 10:

Councilman Dilcher offered the following resolution and moved for its adoption:

Resolved, that the Byron Town Board approves the Building Permits, Zoning Permits and Land Separation Schedule of Fees for 2024, the same as 2023 as listed.

Councilman Thompson seconded the resolution which was adopted by the following vote:

Vote:                               Ayes: 5                               Nays: 0

RESOLUTION # 11:

Councilman Klycek offered the following resolution and moved for its adoption:

Resolved, that the Byron Town Board has authorized Highway Superintendent David Leaton to purchase supplies and materials, according to current procurement policies, and necessary to operate the Town Highway Dept. for the year 2024 based on his management decisions.

Councilman Dilcher seconded the resolution which was adopted by the following vote:

Vote: Ayes: 5 Nays: 0

RESOLUTION # 12:

Councilman Dilcher offered the following resolution and moved for its adoption:

Resolved, that the Byron Town Board maintain an Equipment Inventory Account of items purchased at a cost of \$400.00 or more from the General, Highway and Sewer Budgets.

Councilman Klycek seconded the resolution which was adopted by the following vote:

Vote: Aye: 5 Nays: 0

RESOLUTION # 13:

Councilman Thompson offered the following resolution and moved for its adoption:

Resolved, that the Byron Town Board approve the following:

Item #1	Account #DA5110.1	General Repairs Personal Service
	Account #DA5110.4	General Repairs Contractual Expense
	Account #DA5112.2	General Repairs CHIPS Capital Expense

Agreement for the 2024 expenditures of the Town Highway monies for general repairs and primary work, for 40.92 miles of Town of Byron roads, including sluices, culverts and bridges having a span of less than five (5) feet and boardwalks or the renewals thereof in the amount of \$498,500.00 as on file with the Town of Byron Highway Superintendent. All purchases of equipment, new or used, shall not exceed \$5,000.00 without prior consent of the Town Board.

Councilman Knickerbocker seconded the resolution which was adopted by the following vote:

Vote: Ayes: 5 Nays: 0

RESOLUTION # 14:

Councilman Dilcher offered the following resolution and moved for its adoption:

Resolved, that the Byron Town Board accept the low bids of Genesee County and New York State on Highway Department usage of diesel, gas and road maintenance supplies.

Councilman Knickerbocker seconded the resolution which was adopted by the following vote: Vote: Ayes: 5 Nays: 0

RESOLUTION # 15:

Councilman Klycek offered the following resolution and moved for its adoption:

Resolved, that the Byron Town Board approve Town Clerk to attend the New York State Town Clerks Conference, Regional and County Meetings for 2024.

Councilman Knickerbocker seconded the resolution which was adopted by the following vote:

Vote: Ayes: 5 Nays: 0

RESOLUTION # 16:

Councilman Knickerbocker offered the following resolution and moved for its adoption:

Resolved, that the Byron Town Board authorizes the Town of Byron council members to attend training classes for 2024, not to exceed \$1,500 total for the year.

Councilman Dilcher seconded the resolution which was adopted by the following

vote: Vote: Ayes: 5 Nays: 0

RESOLUTION # 17:

Councilman Thompson offered the following resolution and moved for its adoption:

Resolved, that the Byron Town Board authorizes the Town Supervisor to attend Training Schools or conferences as required. Costs exceeding \$500.00 will need to be approved by the Board.

Councilman Knickerbocker seconded the resolution which was adopted by the following

vote:

Vote: Ayes: 5 Nays: 0

RESOLUTION # 18:

Councilman Thompson offered the following resolution and moved for its adoption:

Resolved, that the Byron Town Board establish the Late Notice Fee pursuant to Section 987 (I) of the Real Property Tax Law, that the Town of Byron is hereby authorized to impose a \$2.00 service charge to cover the expense of the mailing out a notice of delinquency to taxpayers.

Councilman Klycek seconded the resolution which was adopted by the following vote:

Vote: Ayes: 5 Nays: 0

RESOLUTION # 19:

Councilman Thompson offered the following resolution and moved for its adoption:

Resolved, that the Byron Town Board adopt the following Procurement Policy:

Whereas, Section 104-B of the General Municipal Law (GML) requires every town to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements and GML 103 or any other law; and

Whereas, comments have been solicited from those officers of the town involved with procurement;

Therefore Be It Resolved, that the Town of Byron does hereby adopt the following procurement policies and procedures:

**TOWN OF BYRON'S PROCUREMENT POLICY**

GUIDELINE: Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML 103

GUIDELINE All Purchases Of:

- 1.) Supplies or equipment which will exceed \$10,000 in the fiscal year
- 2.) Public works contract over \$20,000 shall be formally bid pursuant to GML 103

**GUIDELINE All Estimated Purchases Of:**

- 1.) Less than \$10,000 but greater than \$3,000 require a written request for a Responsible Formal Proposal (RFP) and written/fax quotes from 3 vendors
- 2.) Less than \$3,000 but greater than \$1,000 require an oral request for the goods and oral/fax quotes from 2 vendors
- 3.) Less than \$1,000 but greater than \$250 are left to the discretion of the purchaser.

**GUIDELINE All Estimated Public Works Contract Of:**

- 1.) Less than \$20,000 but greater than \$10,000 requires a written RFP and fax/proposals from 3 contractors
- 2.) Less than \$10,000 but greater than \$3,000 requires a written RFP and fax/proposals from 2 contractors
- 3.) Less than \$3,000 but greater than \$500 are left to the discretion of the purchaser.

Any written RFP shall describe the desired goods, quantity and the particulars of delivery. The purchaser shall compile a list of all vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered.

All information gathered in complying with the procedures of this guideline shall be preserved and filed with the documentation supporting the subsequent purchase of public works contract.

**GUIDELINE** The lowest responsible proposal or quotes shall be awarded the purchase or public works contract unless the purchaser prepares a written justification providing reasons why it is in the best interest of the town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

**GUIDELINE #6:** A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

**GUIDELINE** Except when directed by the Byron Town Board no solicitation of written proposals or quotations shall be required under the following circumstances:

- a.) Acquisition of professional services
- b.) Emergencies
- c.) Sale source situations
- d.) Goods purchased from agencies for the blind or severely handicapped
- e.) Goods purchased from correctional facilities
- f.) Goods purchased from another governmental agency
- g.) Goods purchased from an auction
- h.) Goods purchased for less than \$250
- 1.) Public works contracts for less than \$500

**GUIDELINE #8:** The Town requires that consideration in the solicitation of bids or quotes for services, supplies or contracts be given to:

- Small and/or locally owned businesses, with priority to businesses owned by or which employ low or moderate income persons, as defined by HUD, and
- Qualified Minority and Women-owned Business Enterprises (M/WBE) firms listed in the directory of certified minority and women-owned business maintained by the Empire State Development Corporation on its website at [www.nylovesmwbe.ny.gov](http://www.nylovesmwbe.ny.gov) or at <http://www.empire.state.ny.us/Small and GrowingBusinesses/mwbe.asp>;

These provisions shall apply to the procurement of goods and services related to the implementation of the Federally funded programs and activities.

GUIDELINE #9: The Town is required, in accordance to OMB guidance in 2CFR part 180, Debarment and Suspension, to verify vendors with whom the Town purchases more than \$25,000 of goods or services during the year with the Excluded Parties List System (EPLS) government website.

GUIDELINE #10: This policy shall be reviewed annually by the Byron Town Board at its Organizational Meeting or as soon as thereafter as is reasonably practicable.

Councilman Klycek seconded the resolution which was adopted by the following vote:

Vote:                      Ayes: 5                      Nays: 0

**REGULAR MEETING BUSINESS**

Supervisor Hensel informed the Board that Debra Buck Leaton resigned on January 2, 2024 effective immediately.

Supervisor Hensel contacted the County Treasurers office to look into their assistance collecting taxes. The county wants \$10,000 to process the Town of Byron Taxes.

Marilyn Weinert offered her services to serve as temporary Tax Collector until such time as a decision is made about Town Clerk. The legality of this will have to be determined.

Councilman Dilcher offered a resolution to appoint Marilyn Weinert at Interim Tax Collector with remuneration not to exceed \$5,300.00

Councilman Nathan Knickerbocker seconded and the Board was poled:

Councilman Dilcher	Aye
Councilman Klycek	Aye
Councilman Thompson	Aye
Councilman Knickerbocker	Aye
Supervisor Hensel	Aye

Vote: Ayes: 5 Nays: 0

The town hall will be open for tax payments on Tuesday evenings from 4:30 – 7:00 PM, Wednesdays 9:00 Am to noon and 1:00 PM-6:00 PM and Saturday mornings 9:00 AM to noon, beginning Saturday, January 13, 2024.

PLANNING BOARD:

SEWER:

HIGHWAY SUPERINTENDENT:

CEO/ZEO:

PARK COMMITTEE:

ABSTRACTS:

RESOLUTION # 20:

Supervisor Hensel put forward a motion to pay Pilon Construction Co. for work done on contract in the amount of \$379,396.76. Councilman Dilcher seconded the resolution which was adopted by the following vote:

Vote: Ayes: 5 Nays: 0

RESOLUTION # 21:

Supervisor Hensel put forward a motion to pay MRB Group for work done on contract in the amount of \$25,127.68. Councilman Dilcher seconded the resolution which was adopted by the following vote:

Vote: Ayes: 5 Nays: 0

RESOLUTION # 22:

Councilman Thompson offered a motion to adopt the following abstracts:

Sewer: #1: Voucher #1-5 \$1,704.04

General Fund #1: Vouchers 1-22.....\$42,000.61

Highway Fund #1 Vouchers 1-7.....\$ 3,630.17

The resolution was seconded by Councilman Klycek and adopted by the following vote:

Vote: Ayes: 5 Nays: 0



TOWN CLERKS REPORT: no report

FINANCIAL REPORT: no report

SUPERVISORS REPORT: Reminded to board members and elected/appointed positions that the Association of Towns holds its annual training gathering in New York City in February. The town will pay a portion to help anyone attend.

FIRE/EMS REPORT: no report

OTHER BUSINESS: positions to be filled has postcard is going out this week.

Councilman Klycek volunteered for the Audit Committee.

Councilman Dilcher made a motion to hire MRB Group as Town Engineer. Councilman Thompson seconded the motion and approved with the following vote.

Vote:                   Ayes: 5                   Nays: 0

Supervisor Hensel made a motion to move forward with the process of hiring Bridget O'Toole of Heath & O'Toole PLLC as Town Counsel. The motion was seconded by Councilman Dilcher and was approved with the following vote.

Vote:                   Ayes: 5                   Nays: 0

PUBLIC COMMENTS:

A resident inquired about the progress of the solar project. Supervisor Hensel stated that there has been no direct communication to the town from NextEra in about 9 months. Supervisor Hensel stated that the town has as yet not adopted the energy storage law.

Ashley Mason asked if there was any information on the schedule of the water project at the north end of town. Ms. Mason stated that there has been no communication from anywhere.

Councilman Dilcher explained that the contractor has 1 full year to complete the contract. If water is not available to every home in Byron by 4/30/24, they may request an extension. Councilman Thompson stated that it would be best to wait until water is in before preparing your property.

ADJOURN:

A MOTION was made by Councilman Dilcher to adjourn the Byron Town Board Meeting at 8:44 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote:                   Ayes: 5                   Nays: 0

Respectfully Submitted,  
Marilyn Weinert  
Acting Secretary

Summer #60 DA5110.1  
 Winter #53 DA5142.1

Employee	Job#	Rate
Miller, Edward A8160.1 Recycling	17.00 for 2024	\$16.00/hr Per Voucher
Orto, Evan L A8160.1 Recycling	DD	\$16.00/hr Per Voucher
Smith, Liza A1110.1 Court Clerk	DD	\$21.00/hr Per Voucher
Seward, Jacob A7310.1 Recreation	DD	\$16.50/hr Per Voucher
Seward, Michelle A7310.1 Recreation	DD	\$16.50/hr Per Voucher
Waldruff, Brian M.E.O.	26.53 for 2024	\$25.76/hr Biweekly
Zeitvogel, Edwin A8160.1 Recycling	DD	\$17.00/hr Per Voucher
Bestehorn, Laura A5010.1B PT Hwy/Bookkeeper 1,500/yr	13	\$125.00 Monthly
Cummings, Chad A3120.1 Town Constable 2,508/yr	DD	\$209.00 Monthly
? A1110.1A Town Justice 10,300/yr	2	\$833.33 Monthly
Kinckerbocker, Nathan A7310.1 Recreation Aide Planning Board	DD	\$30.00 Per Voucher
Passarell, Louise A1355.1 Assessor 18,600/yr	DD	\$1550.00 Monthly
? A1110.1B Town Justice 10,000/yr	DD	\$833.33 Monthly
Vogt, Laurie A1620.1 Cleaner 4,900/yr	DD	\$408.33 Monthly

5

Summer #60 DA5110.1  
 Winter #53 DA5142.1

B.

Employee	Job#	Rate
Hensel, Candace E. A1220.1 Supervisor 12,502/yr		\$1041.83 Monthly
Carr, Patrick W. A8010.1A Zoning Board Secretary A8020.1 Planning Board Secretary DD		\$17.00/hr Qtrly
Dilcher, Martin A1010.1 Town Board 3,382.50/yr DD	1	\$845.62 Qtrly
Klycek, Alfred A1010.1 Town Board 3,382.50/yr ?	1	\$845.62 Qtrly
Kinckerbocker, Nathan A1010.1 Town Board 3,382.50/yr ?	1	\$845.62 Qtrly
Thompson, Jeffrey A1010.1 Town Board 3,382.50/yr	1	\$845.62 \$250.00 Qtrly
Wilson, Elizabeth A7510.1 Historian 628.50/yr	21	\$157.12 Qtrly
Wilson, Robert A7510.1 Historian 628.50/yr	21	\$157.12 Qtrly

Highway Allocations:  
**Summer #60 DA5110.1**  
**Winter #53 DA5142.1**

Employee	Job#	Rate
Berry, Gerald A8160.1 Recycling	DD 17.00 for 2024	\$16.00/hr Per Voucher
A1410.1 Town Clerk 38,000/yr	1461.53	\$1837.09
A4020.1 Registrar of Vital Statistics 2	19.80	Split Biweekly
A1330.1 Tax Collector 3	206.42	
SS8110.1 Sewer Billing/Collector 4	149.34	
Harter, Evan A8160.1 Recycling		\$16.00/hr Per Voucher
Ierlan, Melissa A3620.1 Code Enforcement 15,077/yr	DD	\$579.88 Biweekly
Kennett, William M.E.O. / A5010.1A Deputy Hwy Supt 2,000.00	DD 26.53 for 2024	\$25.76/hr Biweekly
Kimble, Mark A. M.E.O.	DD 26.53 for 2024	\$25.76/hr Biweekly
Leaton, David A5010.1 Hwy Supt 72,000/yr A1490.1 Public Works Sal 3,500/yr SS8110.1 Sewer - Plowing/Salting 1,317/yr	DD 2769.23 134.61 50.65	\$2,954.49 Split Biweekly
Marble, Emily A7310.1 Recreation Leader		\$18.00/hr Per Voucher